

Commonwealth of Massachusetts
Department of Telecommunications and Energy

_____)	
NSTAR Electric / NSTAR Gas)	D.T.E. 05-85
_____)	

**Petition to Intervene of
Constellation NewEnergy, Inc.**

Pursuant to 220 CMR § 1.03 Constellation NewEnergy, Inc. (“Constellation”) hereby petitions the Department of Telecommunications and Energy (the “Department”) for leave to intervene in the above-captioned proceeding.

In support of this petition, Constellation states as follows:

1. Constellation is the leading competitive supplier of electricity in the United States and is a licensed electric retail supplier in 14 states, including Massachusetts, and two Canadian provinces.
2. This proceeding concerns the petition of NSTAR Electric and NSTAR Gas for approval of a rate settlement agreement (“Settlement”) entered into with the Attorney General, the Low Income Energy Affordability Network, and Associated Industries of Massachusetts.
3. Constellation will be substantially and specifically affected by this proceeding. The Settlement includes modifications to the method of procurement of wholesale supply for Basic Service. These modifications would affect the level and the volatility of the price for Basic Service. As competitive suppliers such as Constellation compete against the Basic Service price, the Settlement would affect the market for Constellation’s services. The Settlement would affect the ability of suppliers such as

Constellation to do business in Massachusetts and hence the ability of customers to benefit from competitive supply options.

4. Constellation expects to present evidence regarding the effect of the Settlement agreement on the competitive market.

5. Constellation's participation will not impair the orderly conduct of this proceeding. Indeed, given the experience of Constellation with competitive markets in other states, its participation will assist the Department in its review of the issues raised herein.

6. Constellation seeks to participate as a full intervenor, and where appropriate, to participate in hearings and file discovery, testimony, and briefs.

WHEREFORE, Constellation respectfully requests that the Department grant its Petition to Intervene.

Respectfully submitted,
CONSTELLATION NEWENERGY, INC.

By its attorney:

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